

**Notice of Allowability**

Application No.

10/022,611

Applicant(s)

BROWN ET AL.

Examiner

Art Unit

Alain L. Bashore

1762

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3-7-06.
2. ☒ The allowed claim(s) is/are 1-26, 28-34, 36-39.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

  
**ALAIN L. BASHORE**  
**PRIMARY EXAMINER**

## **DETAILED ACTION**

### ***Allowable Subject Matter***

- 1) Claims 1-26, 28-34, 36-39 are allowed.
- 2) The following is an examiner's statement of reasons for allowance:

The present invention includes independent claims 1, 9, 17, 20, 28, 36. Claim 1 recites a method for billing for telephone usage, claim 9 recites a system for billing for telephone usage, claim 17 recites a computer program product for billing for telephone usage, claim 20 recites a method for billing a non-owner for telephone usage, claim 28 recites a system for billing a non-owner for telephone usage, claim 36 recites a computer program product for billing a non-owner for telephone usage.

Swope et al is considered the closest prior art. Swope et al teaches a system and method for reverse billing of a telephone call including receiving a request to originate a billed transaction for a caller from an origin device (col. 3), authenticating an identity of a called party answering a call originated by the origin device (fig.3B; col. 5, ln 24-42) and responsive to receiving an acceptance of the call by the called part from destination device, billing an account accessed by the authenticated identity of the called party to complete the billed transaction, such that the origin device is enabled to initiate the billed transaction charged to the called party in (col 1 ; lines 5-14., fig. 3B; col 7,ln 7-33).

Swope et al does not disclose the claimed combination including:

In claim 1,

calculating, at said telephony device, a tariff a cost of said amount of usage of said measurable element of said telephony device by said identifiable individual based on a cost per unit of actual usage of said measurable element specified by said owner of said telephony device; and

transferring said tariff to bill a billing plan for said identifiable individual for said tracked usage of said measurable element of said telephony device from said telephony device via a telephone network to a billing service, where said billing service is enabled to facilitate transfer of an electronic payment between an account provider designated in said billing plan for said identifiable individual and an account for said owner of said telephony device, such that said owner of said telephony device is electronically compensated for usage of the actual telephony device by said identifiable individual.

In claim 9,

means for calculating a tariff for a cost of said amount of usage of said measurable element of said telephony device by said identifiable individual based on a cost per unit of actual usage of said measurable element specified by said owner of said telephony device; and

means for transferring said tariff to bill a billing plan for said identifiable individual for said tracked usage of said measurable element of said telephony device from said telephony device via a telephone network to a billing service, wherein said billing service is enabled to facilitate transfer of an electronic payment between an account provider designated in said billing plan for said identifiable individual and an account or said owner of said telephony device, wherein said owner of said telephony device is electronically compensated for usage of the actual telephony device by said identifiable individual.

In claim 17,

means for calculating a tariff for a cost of said amount of usage of said measurable element of said telephony device by said identifiable individual based on a cost per unit of actual usage of said measurable element specified by said owner of said telephony device; and

means, recorded on said recording medium, for transferring said tariff to bill a billing plan for said identifiable individual for said tracked usage of said measurable element of said telephony device from said telephony device via a telephone network to a billing service, wherein said billing service is enabled to facilitate transfer of an electronic payment between an account provider designated in said billing plan for said identifiable individual and an account for said owner of said telephony device.

In claim 20,

detecting, at a billing service operating outside a trusted telephone network via a secure channel established between a telephone service provider within said trusted telephone network and said billing service, a tariff calculated at a telephony device for usage by an identifiable individual of at least one measurable element of said telephony device communicatively connected with telephone service from said telephone service provider within said trusted telephone network, wherein said identifiable individual is different from an owner of said telephony device, wherein said usage of said measurable element is separate from any use of telephone service by said telephone service provider to said telephony device for a call; and

facilitating through said billing service, transfer of an electronic payment for a cost designated in said tariff between a first account provider designated for said

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identifiable individual and a second account provider for said owner of said telephony device, such that said owner is compensated for usage of said telephony device.

In claim 28,

means for detecting a tariff calculated at a telephony device for usage by an identifiable individual of at least one measurable element of said telephony device communicatively connected with telephone service from said telephone service provider within said trusted telephone network, wherein said identifiable individual is different from an owner of said telephony device, wherein said usage of said measurable element is separate from any use of telephone service by said telephone service provider to said telephony device for a call; and

means for facilitating transfer of an electronic payment for a cost designated in said tariff between a first account provider designated for said identifiable individual and a second account provider for said owner of said telephony device, wherein said owner is compensated for usage of said telephony device.

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In claim 36,

means, recorded on said recording medium, for detecting a tariff calculated at a telephony device for usage by an identifiable individual of at least one measurable element of said telephony device communicatively connected with telephone service from said telephone service provider within said trusted telephone network, wherein said identifiable individual is different from an owner of said telephony device, where said usage of said measurable element is separate from any use of telephone service by said telephone service provider to said telephony device for a call; and

means, recorded on said recording medium, for facilitating transfer of an electronic payment for a cost designated in said tariff between a first account provider designated for said identifiable individual and a second account provider for said owner of said telephony device, for compensating said owner of said telephony device.

For these reasons claims 1, 9, 17, 20, 28, 36 are deemed to be allowable over the prior art of record, and claims 2-8, 10-16, 18-19, 21-26, 29-34, 37-39 are allowable by dependency.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

3) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alain L. Bashore whose telephone number is 571-272-6739. The examiner can normally be reached on about 7:30 am to 5:00 pm (Mon. thru Thurs.).

Regarding all Class 705 applications, the management contact regarding examination is: Vincent Millin (SPE, art unit 3624) at 571-272-6747.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on 571-272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alain L. Bashore  
Primary Examiner  
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